

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

KEVIN M. KEAY,

Plaintiff,

v.

Case No. 3:19-cv-01298-MO

HOME FORWARD,

OPINION AND ORDER

Defendant.

MOSMAN, J.,

Plaintiff (“Mr. Keay”) filed his complaint [ECF 2] in this court on August 16, 2019. Defendant (“Home Forward”) filed a motion to dismiss [ECF 12] on October 23, 2019. In its motion, Home Forward argued that this court lacked subject matter jurisdiction over this case and that the complaint should therefore be dismissed under Fed. R. Civ. Pro. 12(b)(1). Mr. Keay then filed a motion to show cause [ECF 13] that I construe to be a response to Home Forward’s motion to dismiss, as it reiterates the allegations in Mr. Keay’s original complaint.

In his complaint, Mr. Keay alleged that managers of his apartment building had trespassed into his home, stolen valuable items, and that they allowed his apartment to be infested with bed bugs. [2] at 4. These allegations amount to claims for trespass, theft, and violations of habitability laws. None of these claims presents a federal question, nor does Mr.

Keay cite federal statutes or federal authority as grounds for jurisdiction, and both Mr. Keay and Home Forward are citizens of Oregon.

CONCLUSION

Upon reviewing the filings, I agree with Home Forward that this court lacks jurisdiction over this case. Mr. Keay's complaint does not raise a federal question, nor is there diversity of the parties. I therefore DISMISS this case with prejudice pursuant to Fed. R. Civ. Pro. 12(b)(1). All outstanding motions [7, 13, 15, 16] are DENIED as moot.

IT IS SO ORDERED.

DATED this 15 day of November, 2019.

Michael W. Mosman

MICHAEL W. MOSMAN
Chief United States District Judge